

**OCA: 230200**

**PUBLISHED IN THE WICHITA EAGLE ON MAY 9, 2015**

**RESOLUTION NO. 15-118**

A RESOLUTION FINDING THAT THE STRUCTURE/S LOCATED ON THE NORTH 14 FEET OF LOT 307, AND ALL OF LOTS 309,311,313 AND 315, EXCEPT THE WEST 6 FEET THEREOF, ON FIFTH, NOW SANTA FE AVENUE, FERRELL'S SECOND ADDITION TO THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS, COMMONLY KNOWN AS **1321 N. SANTA FE**, IS/ARE UNSAFE OR DANGEROUS AND DIRECTING THE STRUCTURE/S TO BE MADE SAFE AND SECURE OR REMOVED.

WHEREAS, the enforcing officer of the City of Wichita, Kansas, did on the 24th day of March, 2015, file with the governing body of said City a statement in writing that a certain structure/s, hereinafter described, was/were unsafe and dangerous; and

WHEREAS, the governing body did by Resolution dated the 24th day of March, 2015, fix the time and place of a hearing at which the owner, his agent, any lien holders of record and any occupant of such structure/s could appear and show cause why such structure/s should not be condemned and ordered repaired or demolished, and provided for giving notice thereof as provided by law; and

WHEREAS, such Resolutions were published in the official City paper on the 27th day of March, 2015 and 3rd day of April, 2015.

WHEREAS, on the 5th day of May 2015, this matter came back before the governing body for a hearing to determine whether the structure/s that is/are on the premises described herein is/are a dangerous building/s within the terms of Chapter 18.16 of the Code of the City of Wichita, Kansas, and/or K.S.A. 12-1750, et seq.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS AS FOLLOWS:

1. The governing body, after hearing testimony submitted by the Director of Metropolitan Area Building and Construction Department and by other interested parties, reviewing the file, and after being otherwise duly and fully informed, finds as follows:

(a) Proper notice was served upon all interested parties entitled thereto in all respects as provided for at K.S.A. 12-1750 et. Seq. and by Chapter 18.16 of the Code of the City of Wichita.

(b) The primary structure/s at issue is/are: A two-story frame dwelling, about 20 x 30 feet in size. Vacant for at least 20 years, this structure has deteriorated hardboard siding; badly worn, sagging composition roof with holes and missing shingles; deteriorated wood front porch; and rotted wood trim. The 15x20 foot accessory dwelling is dilapidated. Photographs of the structure/s and testimony of the Director of Metropolitan Area Building and Construction Department are incorporated by reference herein as though fully set forth herein or attached hereto.

(c) The owner (owners) of record of the property is (are):

Marshal Adkins  
2912 E. Elm  
Wichita, KS 67214

Altina Adkins  
P.O. Box 47173  
Wichita, KS 67201-7173

Virginia Murry  
3000 W Douglas #628  
Wichita, KS 67203

C.B. Adkins  
1632 N Oliver  
Wichita, KS 67208

(d) There is nobody occupying the property and the lien holder(s) of record is (are):

Kansas Dept of Revenue  
P.O. Box 12005  
Topeka, KS 66612-2005

Kelly Arnold, County Clerk  
525 N Main  
Wichita, KS 67203

Chris McElgunn, Attorney  
301 N Main #1600  
Wichita, KS 67202

**Mortgage Holders:** None

**Agent:** None

**Interested Parties:**

Fred Adkins, Marshall Adkins, Roger Adkins, Ronald Clay, Mark Adkins, Alfreda Adkins, Antione Adkins  
c/o Altina Adkins,  
PO Box 47173  
Wichita, KS 67201-7173

Janice Adkins  
520 N Madison  
Wichita, KS 67214

II. The structure/s on the property is/are found to be dangerous and unsafe and is/are found to constitute a public nuisance because of the following conditions:

**A. Those, which have been damaged by fire, wind, want of repair, or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the city.**

**B. The structure fails to provide the necessities to decent living, which makes it, unfit for human habitation.**

**C. Those whose use, equipment or want of good housekeeping constitutes a decided fire or safety hazard to the property itself or its occupants or which presents a decided fire or safety hazards to surrounding property or a menace to the public safety and general welfare.**

Based upon the findings set out above, the structure/s is/are declared to constitute a public nuisance.

III. The governing body, based on the findings set forth herein orders that the structure/s is/are hereby condemned:

(a) The governing body hereby directs that the structure/s is/are to be repaired or removed and the premises made safe and secure. Any extensions of time granted for repairs are provided that any back taxes are paid, the structure/s is/are kept secured and the premises remain free of debris and maintained. If any of these conditions are not met, staff is directed to let the structure/s for bids for demolition. The owner (owners) of such structure/s is/are hereby given until the 31<sup>st</sup> day of May 2015, to clean the premises and remove all demolition debris, bulky waste, tires and tree limbs. If premises cleanup is completed by May 31<sup>st</sup>, then additional time will be allowed to complete all exterior repairs to the dwelling, not to exceed a total of ninety (90) days. If all exterior repairs to the dwelling are not completed within (90) days, then the matter should be returned to City Council.

(b) The governing body further directs that if such owner (owners) fails/fail to clean the premise and remove demolition debris within the time stated or fails to diligently prosecute the same until the work is completed, then the City Manager will cause the structure/s to be razed and removed and the cost of such razing and removing, less salvage value, if any, shall be assessed as a special assessment against the lot or parcel of land upon which the structure/s is/are located as provided by law.

BE IT FURTHER RESOLVED, that the City Clerk shall cause this Resolution to be published once in the official City paper and a copy shall be mailed by certified mail to the owners, agents, lien holders and occupants within three (3) days after the first publication of the Resolution.

ADOPTED this 5th day of May 2015.

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Jeff Longwell, Mayor

ATTEST: (SEAL)

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Karen Sublett, City Clerk